



May 4, 2023

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

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ENTERED
Office of Proceedings
May 4, 2023
Part of
Public Record

Re: *Docket No. FD 36695, Petition for Declaratory Order and Injunctive Relief – Rail Service to Pennsylvania Feed Mills and Other Facilities*

Dear Ms. Brown:

The National Grain and Feed Association (NGFA), established in 1896, consists of approximately 1,000 grain, feed, processing, exporting, and other grain-related companies that operate more than 8,000 facilities handling U.S. grains and oilseeds. Our membership includes grain elevators; feed and feed ingredient manufacturers; biofuels companies; grain and oilseed processors and millers; exporters; livestock and poultry integrators; and associated firms that provide goods and services to the nation's grain, feed, and processing industry.

NGFA supports the Petition for Declaratory Order and Injunctive Relief filed by the Wenger Group, Inc. and Esbenshade, Inc. on April 24, 2023. NGFA's understanding is that the National Railroad Passenger Corporation ("Amtrak") intends to perform maintenance on rail track it owns, and the Norfolk Southern Railway (NS) conducts freight operations on, in Pennsylvania between Rheems, PA and Lancaster, PA. NGFA understands that the manner Amtrak allegedly intends to perform its planned track maintenance would prevent NS from providing rail service to its customers along the stretch of track for six weeks or more.

NGFA is concerned with the economic impact this action by Amtrak will have on Wenger and Esbenshade – which are rail shippers of agricultural commodities – and on other rail customers located between Rheems and Lancaster. We also have significant concerns with the precedent this could establish for agricultural rail shippers on other Amtrak's rail lines and for other freight rail carriers hauling agricultural commodities. NGFA urges the Board to order Amtrak to execute its track project in a manner that allows freight rail service to continue. We thank you for your time and commitment to public service.

Sincerely,

Max D. Fisher

Max D. Fisher
Chief Economist and Treasurer

Cc: Parties on the Official Service List for Docket No. FD 36695

CERTIFICATE OF SERVICE

I hereby certify that, on this 4th day of May, 2023, a copy of the foregoing Letter was served by email on all parties on the official Service List for Docket No. FD 36695.

/ss/ Max Fisher